



Attorney Docket: 01662/568078

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: DOLITZKY et al.	Confirmation No. 9231
Application No.: 10/788,924	Art Unit: 1625
Filing Date: February 25, 2004	Examiner: CHANG, Celia

For: POLYMORPHS OF FEXOFENADINE HYDROCHLORIDE

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR EXTENSION OF TIME AND  
RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Applicants petition for a two month extension of time for responding to the Restriction Requirement mailed August 31, 2006. The Commissioner is authorized to charge the petition fee of \$450.00 to Deposit Account 11-0600, referencing Docket No. 01662/568078. A duplicate of this paper is submitted for the fee charging purposes.

Applicants elect with traverse Group I, claims 1-3 drawn to fexofenadine hydrochloride Form IX per se and claim 10-16 as related to process of making fexofenadine hydrochloride Form IX per se, unit dosage comprising fexofenadine hydrochloride Form IX per se, composition comprising fexofenadine hydrochloride Form IX per se and method of using the composition. Applicants request a rejoinder of Groups II and III with Group I because, with the addition of a few key words during search, there would have been no undue burden to examine fexofenadine hydrochloride Form IX per se along with claims related to the MTBE or cyclohexane solvate of fexofenadine hydrochloride Form IX.

If there remains any minor issues that can be resolved with a telephone interview, the Examiner is invited to call the undersigned to discuss it.

If the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to this paper, can be charged to Deposit Account 11-0600.

Respectfully submitted,

KENYON & KENYON LLP

Dated: November 14, 2006

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